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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL HOUSING FINANCE AGENCY,
in its capacity as Conservator of Federal
National Mortgage Association and Federal
Home Loan Mortgage Corporation;
FEDERAL NATIONAL MORTGAGE
ASSOCIATION; and FEDERAL HOME
LOAN MORTGAGE CORPORATION,

Plaintiffs,

vs.

SATICOY BAY, LLC,

Defendant.

CASE NO.: 2:16-cv-02242-JAD-BNW

**JOINT DISCOVERY PLAN AND
SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW
REQUESTED]**

Plaintiffs Federal Housing Finance Agency (“FHFA”), Federal National Mortgage Association (“Fannie Mae”), Federal Home Loan Mortgage Corporation (“Freddie Mac”), and Defendant Saticoy Bay (“Saticoy”) (collectively, the “Parties”), by and through their respective undersigned counsel, hereby respectfully submit the following Joint Discovery Plan and Scheduling Order to the Court.

I. RULE 26(f) CONFERENCE [Fed. R. Civ. P. 26(f); LR 26-1(a)]

On Monday, June 24, 2019, the Parties met and conferred for a discovery conference (the “Conference”) to discuss all issues required by Fed R. Civ. P. 26(f) and LR 26-1. Leslie Bryan Hart of the law firm of Fennemore Craig, P.C., attended on behalf of FHFA and Freddie Mac, Erica J. Stutman of the law firm of Snell & Wilmer LLP, attended on behalf of Fannie Mae, and Timothy Rhoda of the law firm of Roger P. Croteau & Associates, Ltd., attended on behalf of

1 Saticoy. As required by the Court's May 30, 2019 Order (ECF No. 19), client representatives of
 2 FHFA, Fannie, Freddie and Saticoy also participated in the Conference.

3 **II. INITIAL DISCLOSURES [Fed. R. Civ. P. 26(a)(1); Fed. R. Civ. P. 26(f)(3)(A)]**

4 The Parties shall make their initial disclosures no later than **July 24, 2019**, thirty days
 5 after the date of the Conference.

6 **III. DISCOVERY PLAN [Fed. R. Civ. P. 26(f)(3)(B); LR 26-1(b)(1)-(6)]**

7 Plaintiffs assert that no discovery is necessary in this case as Courts have repeatedly
 8 decided the issues presented in this case without the need for the discovery Saticoy indicated it
 9 intends to seek. For example, on June 18, 2019, in a case captioned *FHFA v. GR Investments,*
 10 *LLC*, Case No. 2:17-cv-03005-JAD-CWH, Magistrate Judge Hoffman entered an order staying
 11 discovery and denying the parties' proposed discovery plan. [ECF No. 61.] Plaintiffs anticipate
 12 filing a Motion to Stay Discovery in this case within the next thirty to forty-five days.

13 Saticoy asserts discovery is needed on all claims and defenses by the Parties pursuant to
 14 the Federal Rules of Civil Procedure and the Court's Local Rules of Practice but specifically
 15 with regard to the claimed ownership interests of the Plaintiffs in the loans and deeds of trust at
 16 issue herein. Saticoy contends that it has a right to discovery and that it is not required to simply
 17 accept the word of the Plaintiffs without any opportunity to verify the truthfulness or accuracy of
 18 the same.

19 The parties agree that there is no need for discovery to be conducted in phases or be
 20 limited to or focused on particular issues.

21 ***Special Scheduling Review Requested:*** The Parties request special scheduling review
 22 pursuant to LR 26-1(a). Per LR 26-1(b)(1), the discovery period would normally run one
 23 hundred eighty (180) days from the date the first defendant answered or otherwise appeared.
 24 Here, Saticoy appeared in the case in January 5, 2017 through its counsel's Notice of
 25 Appearance (ECF No. 9), and filed its Answer herein on July 5, 2019 [ECF #20]. As such, the
 26 proposed deadlines below are being calculated from the date of the Conference held on June 24,
 27 2019. For these reasons, the Parties respectfully request a discovery period of one hundred
 28 eighty (180) days commencing from the date of the Conference, for a discovery cut-off date of

December 23, 2019. Plaintiffs agree to these deadlines without prejudice to their right to seek a stay of discovery as Plaintiffs assert that no discovery is necessary in this case as Courts have repeatedly decided the issues presented in this case without the need for the discovery Saticoy seeks.

a. Discovery Cut-Off Date [LR 26-1(b)(1)]

Discovery shall close on **December 23, 2019**, one hundred eighty (180) days after the date of the Conference.

b. Amending the Pleadings and Adding Parties [LR 26-1(b)(2)]

The deadline for filing motions to amend the pleadings or to add parties shall be **September 24, 2019**, ninety (90) days before the discovery cut-off date.

c. Expert Disclosures [Fed. R. Civ. P. 26(a)(2); LR 26-1(b)(3)]

i. Initial Expert Disclosures. The deadline to make initial expert disclosures shall be **October 24, 2019**, sixty (60) days before the discovery cut-off date.

ii. Rebuttal Expert Disclosures. The deadline to make rebuttal expert disclosures shall be **November 25, 2019**, thirty (30) days after the deadline to make initial expert disclosures.

d. Interim Status Report [LR 26-3]

The deadline for filing the Interim Status Report shall be **October 24, 2019**, sixty (60) days before the discovery cut-off date.

e. Dispositive Motions [LR 26-1(b)(4)]

The deadline for filing dispositive motions shall be **January 22, 2020**, thirty (30) days after the discovery cut-off date.

f. Pre-Trial Order [LR 26-1(b)(5)-(6)]

The deadline to file the Pre-Trial Order shall be **February 21, 2020**, thirty (30) days after the deadline for filing dispositive motions. If dispositive motions are timely filed, the deadline for filing the Pre-Trial Order will be suspended until thirty (30) days after entry of the decision on the last such dispositive motion, or further order of the Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto must be included in the Pre-Trial Order.

IV. EXTENSION OF SCHEDULED DEADLINES [LR 26-4]

LR 26-4 governs the modification or extension of any deadline set by this Discovery Plan and Scheduling Order. Any motion or stipulation to extend any deadline set forth in the Discovery Plan and Scheduling Order must satisfy the requirements of LR IA 6-1, be supported by a showing of good cause for the extension, and be received by the Court no later than twenty-one (21) days before the expiration of the subject deadline. Any motion or stipulation to extend the discovery cut-off deadline must be made no later than **December 2, 2019**, twenty-one (21) days before the discovery cut-off date.

V. ALTERNATIVE DISPUTE RESOLUTION [LR 26-1(b)(7)]

The Parties hereby certify that they met and conferred about the possibility of using alternative dispute resolution (“ADR”) processes including mediation, arbitration, and early neutral evaluation. The Parties determined that ADR is not a viable option at this time although they do intend to discuss settlement.

VI. ALTERNATIVE FORMS OF CASE DISPOSITION [LR 26-1(b)(8)]

The Parties hereby certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01). The Parties do not consent to either at this time.

VII. ELECTRONIC EVIDENCE [LR 26-1(b)(9); Fed. R. Civ. P. 26(f)(3)(C)]

No party to this action has filed a jury demand; therefore, the Parties hereby certify that they did not discuss the presentation of evidence in electronic format to jurors for the purposes of jury deliberations.

The Parties anticipate that the production of computer-based or electronically stored information may be needed. The Parties agree that the disclosure, discovery, or preservation of such information, including the form or forms in which it should be produced, should be governed by the applicable provisions of the Federal Rules of Civil Procedure and the Court’s Local Rules of Practice.

VIII. CLAIMS OF PRIVILEGE OR PROTECTION [Fed. R. Civ. P. 26(f)(3)(D)]

At this time, the Parties are unaware of any claims of privilege or of protection of trial-

preparation materials that require a protective order. In the event privileged or protected information is produced in discovery, the Parties reserve all rights and remedies available to them to address such privileged or protected information pursuant to Fed. R. Civ. P. 26(b)(5)(B) and Fed. R. Evid. 502.

IX. LIMITATIONS ON DISCOVERY [Fed. R. Civ. P. 26(f)(3)(E)]

At this time, and subject to Plaintiffs' anticipated Motion to Stay Discovery, the Parties do not request any changes be made in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Court's Local Rules of Practice.

X. OTHER ORDERS [Fed. R. Civ. P. 26(f)(3)(F)]

The Parties agree work together and attempt to provide at least thirty (30) days' notice prior to the date of any deposition, unless otherwise agreed.

XI. LATER APPEARING PARTIES

This Discovery Plan and Scheduling Order shall apply to any later appearing parties, unless a stipulation by the parties is approved by the Court, or the Court, on motion and for good cause shown, otherwise orders.

XII. COURT CONFERENCE

The Parties do not request a conference with the Court before the entry of this Discovery Plan and Scheduling Order.

XIII. ADDITIONAL INFORMATION

None.

DATED: July 15, 2019.

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CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b) and Electronic Filing Procedure IV(B), I certify that on July 15, 2019, a true and correct copy of the **JOINT DISCOVERY PLAN AND SCHEDULING ORDER**, was transmitted electronically through the Court's e-filing electronic notice system to the attorney(s) associated with this case. If electronic notice is not indicated through the court's e-filing system, then a true and correct paper copy of the foregoing document was delivered via U.S. Mail.

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